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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,522	09/29/2003	Mark Bernard Hetlich	2003P08061US	1651
7590 Siemens Corporation Attn: Elsa Keller, Legal Administrator Intellectual Property Department 170 Wood Avenue South Iselin, NJ 08830			EXAMINER PADMANABHAN, KAVITA	
			ART UNIT 2161	PAPER NUMBER
			MAIL DATE 12/16/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/673,522

**Applicant(s)**

HETTISH, MARK BERNARD

**Examiner**

Kavita Padmanabhan

**Art Unit**

2161

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 December 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 and 10-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 and 10-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
- Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Status of Claims*

1. Claims 1 and 18-20 have been amended.
2. Claims 1-7 and 10-20 are pending.
3. Claims 1-7 and 10-20 are rejected.

### *Continued Examination Under 37 CFR 1.114*

4. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/11/08 has been entered.

### *Claim Rejections - 35 USC § 102*

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claims 1-7 and 10-20** are rejected under 35 U.S.C. 102(b) as being anticipated by **Diacakis et al.** (US 2002/0116336, hereinafter “Diacakis”).

In regards to **claim 1**, **Diacakis** teaches a method, comprising:

- interfacing an identity oriented context application that represents a context of an identity based on an availability of the identity with a device oriented context application that represents the context of the identity based on an availability of a device associated with the identity, where the identity is a person or a group of persons (**Diacakis; abstract; Fig. 1; Fig. 4 – presence detection engine interpreted as device oriented context application since it determines user’s presence on particular devices, and availability management engine interpreted as identity oriented context application since it determines user’s availability based on user’s situation**);
- detecting a new device oriented context provided by said device oriented context application for a specific device associated with an identity (**Diacakis; par [0034], lines 14-18; par [0035] – “when the P&A management server 12 detects that the individual is at work, the server 12 transmits the individual's updated P&A information to the clients 22 for the individual's boss and spouse”; par [0038]; par [0043]-par [0044] – “determine whether an individual is present on other devices such as, for example, a personal digital assistant (PDA) 50 or a pager 52”**), wherein said new device oriented context provides an availability status of the specific device (**Diacakis; par [0026] – “if a person is not near a landline telephone or wireless telephone, or the wireless telephone is switched off, then that person is not present on a telephone network, and thus unable to communicate with others on the telephone network. Similarly, if a person uses an instant messaging (IM) application at a given point in time, the person is present on that instant messaging network”; par [0045] – “determine the individual's current**

*capabilities 58 such as, for example, whether he can receive voice information, data files, audio files, video files, etc.”; par [0053]); and*

- mapping said new device oriented context provided by said device oriented context application to an identity oriented context for said identity provided by said identity oriented context application by associating the new device oriented context with said identity oriented context, wherein said identity oriented context provides an availability status of said identity (**Diacakis; par [0056]** – “*For example, in FIG. 8 Alex is available by telephone and instant messaging, but Tom is only available by telephone and Pete is only available by instant messaging.*”; [0059]; **Fig. 8 – identity oriented contexts may be for example, “at home” or “at office” and device oriented contexts may be for example whether the individual is available via phone, IM, etc.); and**
- providing data indicative of said mapped identity oriented context to said identity context oriented application (**Diacakis; par [0030]; par [0056]; par [0059]; Fig. 8).**

In regards to **claim 2, Diacakis** teaches the method of claim 1, wherein said detecting said new device oriented context for said device includes detecting said new device oriented context in a presence and availability service (**Diacakis; Fig. 1).**

In regards to **claim 3, Diacakis** teaches the method of claim 1, wherein said detecting said new device oriented context for said device includes receiving a request to change said device's device context (**Diacakis; par [0034], lines 14-18).**

In regards to **claim 4**, **Diacakis** teaches the method of claim 1, wherein said mapping said new device oriented context to said identity oriented context for said identity includes determining said identity (**Diacakis; par [0056]; Fig. 8**).

In regards to **claim 5**, **Diacakis** teaches the method of claim 1, wherein said mapping said new device oriented context to said identity oriented context for said identity includes determining said identity context (**Diacakis; par [0056]; par [0059]; Fig. 8**).

In regards to **claim 6**, **Diacakis** teaches the method of claim 1, further comprising:

- determining said identity (**Diacakis; par [0056]; Fig. 8**).

In regards to **claim 7**, **Diacakis** teaches the method of claim 1, further comprising:

- determining said identity context (**Diacakis; par [0056]; par [0059]; Fig. 8**).

In regards to **claim 10**, **Diacakis** teaches the method of claim 1, further comprising:

- receiving a request to make a change to a new identity oriented context for an identity (**Diacakis; par [0034], lines 14-18; par [0056]; par [0059]; Fig. 8**); and
- mapping said new identity oriented context to a device context for a device associated with said identity (**Diacakis; par [0056]; par [0059]; Fig. 8**).

In regards to **claim 11**, **Diacakis** teaches the method of claim 1, further comprising:

- receiving a request to make a change to a new identity oriented context for a second identity (**Diacakis; par [0034], lines 14-18; par [0056]; par [0059]; Fig. 8**); and
- mapping said new identity oriented context to a device oriented context for a device associated with said second identity (**Diacakis; par [0056]; par [0059]; Fig. 8**).

In regards to **claim 12**, **Diacakis** teaches the method of claim 11, wherein said receiving said request to make said change to a new identity oriented context for said second identity includes receiving said request from an identity context oriented application (**Diacakis; par [0034], lines 14-18; par [0036]**).

In regards to **claim 13**, **Diacakis** teaches the method of claim 11, wherein said mapping said new identity oriented context to said device context for said device associated with said second identity includes determining said device associated with said second identity (**Diacakis; par [0056]; par [0059]; Fig. 8**).

In regards to **claim 14**, **Diacakis** teaches the method of claim 13, wherein said mapping said new identity oriented context to said device context for said device associated with said second identity includes determining said device oriented context associated with said device associated with said second identity (**Diacakis; par [0056]; par [0059]; Fig. 8**).

In regards to **claim 15**, **Diacakis** teaches the method of claim 11, wherein said mapping said new identity oriented context to said device context for said device associated with said second identity includes accessing a mapping table (**Diacakis; Fig. 2; Fig. 5; Fig. 8**).

In regards to **claim 16**, **Diacakis** teaches the method of claim 1, further comprising:

- providing data indicative of said device oriented context to a presence and availability service (**Diacakis; Fig. 1; par [0034], lines 14-18; par [0035], par [0038]; par [0043]-par [0044]; Fig. 8**).

In regards to **claim 17**, **Diacakis** teaches the method of claim 11, further comprising:

- changing an identity oriented context for said second identity from a first identity oriented context to a said new identity oriented context in response to said request (**Diacakis; par [0034], lines 14-18; par [0056]; par [0059]; Fig. 8**).

**Claims 18-20** are each rejected with the same rationale given for claim 1.

#### *Response to Arguments*

7. Applicant's arguments filed 12/11/08 with respect to the prior art rejections of the claims have been fully considered but they are not persuasive.

Applicant argues that Diacakis does not teach the claimed device oriented context application. The examiner respectfully disagrees and asserts that the presence detection engine



of Diacakis is interpreted as a device oriented context application since it determines a user's presence on particular devices (Diacakis; Fig. 1; Fig. 4).

Specifically, applicant argues that no availability of a device is determined by Diacakis. Rather, applicant argues that Diacakis determines the availability of the "individual" on the network or device, not the availability of the network or device itself. The examiner respectfully disagrees and asserts that Diacakis clearly determines the availability of devices on a network by determining presence information for the device (Diacakis; par [0044]-[0045]), including determining whether a device is switched on/off (Diacakis; par [0026]).

Applicant further argues that Diacakis discloses an identity oriented application since Diacakis is fundamentally concerned with determining the availability of an individual. The examiner again respectfully disagrees and asserts that Diacakis determines the availability of devices on a network by determining presence information for the device (Diacakis; par [0044]-[0045]), including determining whether a device is switched on/off (Diacakis; par [0026]). Furthermore, the examiner notes that it could be argued that the *claimed* device oriented context application is fundamentally concerned with the availability of an individual, since it "*represents the context of the identity* based on an availability or state of a device associated with the identity." Therefore, the distinction the applicant is attempting to draw between the claimed invention and the cited reference appears unfounded.

Applicant also argues that there is no need for the Examiner to interpret the meaning of the terms "presence" and "availability" since Diacakis defines these terms. The examiner asserts that she is not interpreting the defined terms of Diacakis in a manner that is contrary to the definitions given by Diacakis. Rather, the examiner is merely providing a mapping between the

terms disclosed by Diacakis and the claimed terminology. Applicant argues that there is no disclosure in Diacakis of the “presence detection engine 18” being the same or even suggestive of the claimed “device oriented context application.” The examiner respectfully disagrees. The claimed device oriented context application “represents the context of the identity based on an availability or state of a device associated with the identity,” which is precisely what the presence detection engine of Diacakis does when it determines the availability or state of a device associated with an individual (Diacakis; par [0026]; par [0045]).

### ***Conclusion***

8. The prior art made of record and not relied upon, on PTO-892, is considered pertinent to applicant's disclosure.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Kavita Padmanabhan** whose telephone number is **(571)272-8352**. The examiner can normally be reached on Monday-Friday, 9:00am-5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kavita Padmanabhan  
Patent Examiner  
AU 2161

December 15, 2008

/Kavita Padmanabhan/